

## SENATE BILL No. 449

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-47-2-3.

**Synopsis:** Handgun licenses. Requires a person who wishes to obtain a license to carry a handgun to submit a credential size photograph of the person's face with the handgun license application. Specifies the size of a handgun license. Requires a handgun license to include the photograph of the person's face. Requires the superintendent of state police to prescribe specifications for the form of a handgun license.

**Effective:** June 1, 2002; January 1, 2003.

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### Breaux

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January 14, 2002, read first time and referred to Committee on Public Policy.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 449

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-47-2-3, AS AMENDED BY P.L.120-2001,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JANUARY 1, 2003]: Sec. 3. (a) A person desiring a license to carry a  
4       handgun shall apply:

5               (1) to the chief of police or corresponding law enforcement officer  
6               of the municipality in which the applicant resides;

7               (2) if that municipality has no such officer, or if the applicant does  
8               not reside in a municipality, to the sheriff of the county in which  
9               the applicant resides after the applicant has obtained an  
10              application form prescribed by the superintendent; or

11              (3) if the applicant is a resident of another state and has a regular  
12              place of business or employment in Indiana, to the sheriff of the  
13              county in which the applicant has a regular place of business or  
14              employment.

15       **The application submitted under this subsection must include a**  
16       **credential size photograph of the applicant's face that meets the**  
17       **specifications prescribed by the superintendent under subsection**



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1 (i).

2 (b) The law enforcement agency which accepts an application for a  
3 handgun license shall collect a ten dollar (\$10) application fee, five  
4 dollars (\$5) of which shall be refunded if the license is not issued.  
5 Except as provided in subsection (h), the fee shall be:

6 (1) deposited into the law enforcement agency's firearms training  
7 fund or other appropriate training activities fund; and

8 (2) used by the agency for the purpose of:

9 (A) training law enforcement officers in the proper use of  
10 firearms or other law enforcement duties; or

11 (B) purchasing for the law enforcement officers employed by  
12 the law enforcement agency firearms, or firearm related  
13 equipment, or both.

14 The state board of accounts shall establish rules for the proper  
15 accounting and expenditure of funds collected under this subsection.

16 (c) The officer to whom the application is made shall ascertain the  
17 applicant's name, full address, length of residence in the community,  
18 whether the applicant's residence is located within the limits of any city  
19 or town, the applicant's occupation, place of business or employment,  
20 criminal record, if any, and convictions (minor traffic offenses  
21 excepted), age, race, sex, nationality, date of birth, citizenship, height,  
22 weight, build, color of hair, color of eyes, scars and marks, whether the  
23 applicant has previously held an Indiana license to carry a handgun  
24 and, if so, the serial number of the license and year issued, whether the  
25 applicant's license has ever been suspended or revoked, and if so, the  
26 year and reason for the suspension or revocation, and the applicant's  
27 reason for desiring a license. The officer to whom the application is  
28 made shall conduct an investigation into the applicant's official records  
29 and verify thereby the applicant's character and reputation, and shall in  
30 addition verify for accuracy the information contained in the  
31 application, and shall forward this information together with ~~his~~ **the**  
32 **officer's** recommendation for approval or disapproval, **the photograph**  
33 **of the applicant's face submitted with the application**, and one (1)  
34 set of legible and classifiable fingerprints of the applicant to the  
35 superintendent.

36 (d) The superintendent may make whatever further investigation the  
37 superintendent deems necessary. Whenever disapproval is  
38 recommended, the officer to whom the application is made shall  
39 provide the superintendent and the applicant with the officer's complete  
40 and specific reasons, in writing, for the recommendation of  
41 disapproval.

42 (e) If it appears to the superintendent that the applicant has a proper

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reason for carrying a handgun and is of good character and reputation and a proper person to be so licensed, the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) is under eighteen (18) years of age;

(3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

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In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name; or

(2) changes the person's address;

the person shall, not later than sixty (60) days after the date of the change, notify the superintendent, in writing, of the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

**(k) A license to carry a handgun must:**

**(1) be not more than two and one-quarter (2 1/4) inches by three and one-half (3 1/2) inches in size; and**

**(2) incorporate the photograph of the applicant's face submitted with the application under subsection (a).**

**(l) The superintendent shall prescribe specifications for:**

**(1) the form of a license issued under this section; and**

**(2) the form and size of a photograph submitted with an application under subsection (a).**

**SECTION 2. [EFFECTIVE JUNE 1, 2002] (a) The superintendent of state police shall adopt rules under IC 4-22-2 to implement IC 35-47-2-3, as amended by this act, before January 1, 2003.**

**(b) This SECTION expires January 1, 2003.**

**SECTION 3. [EFFECTIVE JANUARY 1, 2003] IC 35-47-2-3, as amended by this act, applies only to licenses to carry handguns that are issued or renewed under IC 35-47-2 after December 31, 2002.**

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